IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5502/2001.

M/s.Sagar Automobiles. **VERSUS** The State of Rajasthan.

01.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Sanjay Tyagi, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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The petitioner was given a license for barrel point. Thereafter, a notice was issued to the petitioner vide Annexure-2 stating therein that since a petrol/diesel pump has been started within the radius of 10 K.M. of barrel point of the petitioner why the license for barrel point be not revoked.

After the notice was given to the petitioner, as per the case of the petitioner, the petitioner appeared and submitted his reply. Thereafter, Order (Annexure-3) which is impugned was passed on 24.09.2001 revoking the license of the petitioner for the diesel barrel point. The aforesaid order has been passed under the provisions of the Essential Commodities Act.

Learned Deputy Government Advocate submits that the said order is appealable under the provisions of the Act and that appellate order is also revisable.

In view of the fact that the provisions of Act and Rules provide alternative statutory remedy, as submitted

by the learned Deputy Government Advocate, this writ petition is not maintainable on the ground of alternative remedy. Consequently, the writ petition is dismissed.

The petitioner would, however, be entitled to file the appeal and seek condonation of delay on the ground of prosecuting writ petition before this court. Since, there was an interim order in favour of the petitioner, the petitioner is granted thirty days time to approach the Appellate Forum to seek appropriate remedy and for the aforesaid period of thirty days, the interim order shall continue. In case, however, the petitioner fails to approach the Appellate Forum within the period of thirty days, the interim order shall stand vacated.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.